

A
B I L L

FOR

The Reinstatement of Evicted Tenants in Ireland.

A.D. 1893.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 1. So much of section thirteen of the Purchase of Land (Ireland) Act, 1891, as relates to the time within which agreements under that section may be entered into shall be continued until the *first day of January one thousand eight hundred and ninety-four*.
- Extension of
section 13 of
64 & 65 Vict.
c. 48.
- 10 2. Where the tenancy of a holding has been determined since the first day of May one thousand eight hundred and seventy-nine, and the estate of which such holding forms portion is the subject of a petition or other proceeding in the court of the land judges of the Chancery Division of the High Court of Justice in Ireland, and the former landlord or his successor in title, or a receiver duly
- Purchase
by tenants
formerly in
possession of
holdings in
court of
land judges.
- 15 appointed by said court, is in occupation of the holding, it shall be lawful for the land judge to whose court such petition or other proceeding shall be attached, or for any judge of the High Court of Justice for the time being acting in the place of such land judge, if such judge shall so think fit, to make an order for the sale
- 20 of such holding upon such terms as to such judge shall seem fit under the thirteenth section of the Purchase of Land (Ireland) Act, 1891, as extended by this Act, and such order shall have the same effect as an agreement entered into by a former landlord or his successor in title, pursuant to the said section, and an advance may
- 25 be made by the Land Commission in the same manner as upon such agreement.

Any purchase money so advanced by the Land Commission by virtue of the provisions of this section shall be paid or lodged by the Land Commission to the credit of the matter of such

[Bill 125.]

A.D. 1898.

petition or other proceeding as aforesaid, and thereupon it shall be lawful for the land judge to whose court such petition or other proceeding shall be attached, or any judge for the time being acting in the place of such land judge, to execute a conveyance of the holding in the form prescribed by the Land Commission.

Purchase
by tenants
formerly in
possession.

3. Where the tenancy of a holding has been determined since the first day of May one thousand eight hundred and seventy-nine and no agreement shall have been entered into before the *first day of January one thousand eight hundred and ninety-four* under the provisions of section thirteen of the Purchase of Land (Ireland) Act, 1891, as extended by this Act, it shall be lawful for the former tenant or his personal representative, subject as herein-after mentioned, to apply to the Land Commission to purchase such holding, and thereupon, if the former landlord or his successor in title, as the case may be, signifies his consent within the prescribed time and in the prescribed manner, including consent (where such consent is by law required) to such sum being retained as a guarantee deposit as the Land Commission may think necessary, such purchase shall be effected by payment, subject to the rules of the Land Commission, of such capital sum as shall be agreed upon, or as, in case of difference, may be determined by the Land Commission (regard being had to the adequacy of the security), in like manner as if such purchase were effected under the provisions of the Land Purchase Acts as amended by the Purchase of Land (Ireland) Act, 1891: Provided that, in having regard to the adequacy of such security and in ascertaining such capital sum, the Land Commission shall not take into account the value of any additional security afforded by reason of improvements effected on the holding by the former tenant or his predecessors in title.

Such consent by the former landlord or his successor in title shall have the same effect as the lodgment of an agreement to purchase under the Land Purchase Acts, as amended by the Purchase of Land (Ireland) Act, 1891, and (except as herein otherwise provided) all subsequent proceedings shall be carried on and with the like consequences as upon such agreement.

Provided that if the former landlord or his successor in title does not consent in manner prescribed by the Land Commission to such purchase, or causes, in the opinion of the Land Commission, unreasonable delay to the making of such purchase, the former tenant or his personal representative, as the case may be, shall be held to be tenant of a present tenancy within the meaning of the Land Law (Ireland) Act, 1881, and the Land Commission shall,

on the application of the former tenant or his personal representative, in the prescribed manner, make an order fixing the fair rent to be paid by such former tenant or his personal representative, which fair rent shall include the amount, if any, to be paid as compensation for arrears of rent already due, and thereupon such former tenant or his personal representative, as the case may be, shall be deemed to be tenant of such holding, subject to statutory conditions, to the same extent, and with the same consequences, as if such order was made under the eighth section of the Land Law (Ireland) Act, 1881.

A.D. 1893.

In determining the amount, if any, to be added to such fair rent by way of compensation for arrears of rent already due, it shall be lawful for the Land Commission to take into consideration all the circumstances of the case, including any waste arising from injury to or dilapidation of buildings caused by the landlord.

4. In any case in which a fair rent shall be fixed by the Land Commission under the provisions of this Act it shall be lawful for the Land Commission to make a vesting order in the prescribed form under their seal and signed by the commissioners by whom the fair rent shall be fixed, declaring the tenant entitled to the immediate possession of the holding, and any person refusing to give up possession to the tenant in pursuance of such vesting order shall be liable to be attached by the Land Commission. Such vesting order shall be enforceable by the sheriff of the county in which the holding or any part thereof is situate in the same manner as a writ of possession.

Restoration
of former
tenants to
holdings.

5. Every advance made by the Land Commission under this Act for the purchase of a holding shall be repaid by an annuity in favour of the Land Commission for *forty-nine years of three pounds fifteen shillings* for every one hundred pounds of such advance, and so in proportion for any less sum: Provided that the Land Commission shall not be required to pay under sub-section 2 (b) of the fourth section of the Purchase of Land (Ireland) Act, 1891, any annual sum to the guarantee fund therein mentioned out of any moneys to be received on account of any purchase annuity for the discharge of an advance under this Act.

Advance and
repayment
of purchase
money.

The provisions of section eight of the Purchase of Land (Ireland) Act, 1891, shall not be applicable to any purchase made under this Act.

6. This Act shall be construed as one with the Purchase of Land (Ireland) Act, 1891, and the Land Purchase Acts incorporated therewith, and may be cited as the Purchase of Land (Ireland) Act, 1891, Amendment Act, 1893.

Short title.

